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Situation of human rights in Myanmar

Report of the Secretary-General*

I. Introduction

1. The present report is submitted pursuant to paragraph 23 of General Assembly resolution 55/112 of 4 December 2000, entitled "Situation of human rights in Myanmar", in which the Assembly requested me to continue my discussions on the situation of human rights and the restoration of democracy with the Government of Myanmar, to submit additional reports to the Assembly during its fifty-fifth session on the progress of those discussions, and to report to the Assembly at its fifty-sixth session and to the Commission on Human Rights at its fifty-seventh session on the progress made in the implementation of resolution 55/112.

2. As indicated in my previous reports, I consider the role entrusted to me by the General Assembly as being one of good offices, as opposed to the fact-finding mandate assigned by the Commission on Human Rights to its Special Rapporteur. In this context, the General Assembly, in resolution 55/112, endorsed the appeal of my Special Envoy for Myanmar, Razali Ismail, for the initiation of a process of dialogue that would lead to national reconciliation and supported his efforts to achieve such a dialogue.

3. In implementation of resolution 55/112, my Special Envoy has so far visited Myanmar three times in 2001: from 5 to 9 January, from 1 to 4 June and from 27 to 30 August. During the three visits, his primary interlocutors from the Government side were Secretary-1 of the State Peace and Development Council, Lieutenant General Khin Nyunt, the Minister for Foreign Affairs, U Win Aung, and the Deputy Minister for Foreign Affairs, U Khin Maung Win. Other governmental officials with whom the Special Envoy had discussions included the Minister in the Prime Minister's Office, U Tin Winn, and the Minister at the Office of the Chairman of the State Peace and Development Council, Brigadier General D. O. Abel. During each of his visits, he met separately with the General-Secretary of the National League for Democracy (NLD), Daw Aung San Suu Kyi. In August, Mr. Razali was able to meet with the Chairman and the Vice Chairman of NLD, U Aung Shwe and U Tin Oo, who had been released from their house arrest one day prior to his arrival in Yangon. My Special Envoy also held useful exchanges of views with representatives of the ethnic nationalities, the diplomatic corps, the United Nations country team and international non-governmental organizations in Myanmar. In addition, my Special Envoy has received considerable help both from inside and outside the region.

* The footnote requested by the General Assembly in resolution 54/248 was not included in the submission.

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II. Contents of the discussions

4. Each visit by my Special Envoy has been conducted with a view to developing and sustaining the momentum for change that has been generated since the Government and Daw Aung San Suu Kyi embarked upon the most recent stage in the national reconciliation process in October 2000. Some encouraging developments have since emerged which have contributed to improving the political climate, and some basis of understanding is beginning to take root between the Government and NLD. During the visit of my Special Envoy to Myanmar in January, for example, the Foreign Minister, U Win Aung, acknowledged that, after an interval of six years, direct talks between the Government and Daw Aung San Suu Kyi had resumed. Both sides have requested that the substance of their discussions remain confidential since the national reconciliation process is still fragile and at the confidence-building stage.

5. These and other recent developments demonstrated that national reconciliation should be home-grown and can only be successfully achieved by the people of Myanmar. My role, therefore, is to assist their efforts and help to facilitate the national reconciliation process among all of the interested parties in Myanmar. In that regard, the catalytic role that Mr. Razali has played and continues to play in facilitating the national reconciliation process, and his efforts to find ways to move the process forward, are appreciated.

6. In his separate discussions with Secretary-1 and Daw Aung San Suu Kyi, Mr. Razali has emphasized that there is no alternative to the ongoing talks if Myanmar is to achieve national reconciliation and to return fully to the mainstream of the international community. His discussions centred mostly on three areas in which the two sides had indicated that some progress could be made: the release of political prisoners, allowing for normal activities of legal political parties, and the provision of enhanced humanitarian assistance.

7. Mr. Razali reasoned with his interlocutors from the Government that the imprisonment of people who are viewed as being only political activists could not but impact negatively on its goal of returning the country to democracy. He consistently urged the Government to consider releasing political prisoners detained at various facilities, including those described as guest houses. In so doing, my Special Envoy emphasized that priority should be given to members of Parliament elected in the 1990 elections, the elderly, women and those who have completed their sentences. In parallel with the release of prisoners, he also emphasized the need for freedom of activity to be restored to legitimate political parties, including NLD.

8. The response of the Government to the release of political detainees has been relatively positive. Secretary-1 explained to Mr. Razali that, because of the need to maintain national security and stability, the Government would consider the release of political detainees on a case-by-case basis and on the basis of its discussions with Daw Aung San Suu Kyi. The Government of Myanmar has so far released 174 prisoners since January 2001, including all members of Parliament detained at guest houses and most of those detained at prisons. The Government has allowed NLD to open 21 township offices in the Yangon district and has indicated to my Special Envoy that further offices would be allowed to reopen in the near future. For its part, the NLD leadership has reminded party members of the importance of exercising self-control at the present, delicate stage of the national reconciliation process.

9. In his meetings with the Government and Daw Aung San Suu Kyi, Mr. Razali discussed the possibility of greater United Nations humanitarian assistance to deal with the challenge posed by HIV/AIDS and other health-related issues, including malaria and the lack of immunization. The Government mentioned maternal and child welfare as an area in which international assistance is also required, while Daw Aung San Suu Kyi spoke of the threat from tuberculosis. My Special Envoy has reported that both sides are beginning to take an increasingly pragmatic approach in addressing the issue of humanitarian assistance, and he is hopeful that modalities acceptable to the two sides can soon be found.

10. My Special Envoy has made an effort to explain recent developments in the national reconciliation process to representatives of ethnic nationalities whose eventual inclusion in the process is supported by the United Nations. He has informed them that, at the present stage, neither Daw Aung San Suu Kyi nor the Government considered that the time was right to enter into a trilateral dialogue. Ethnic nationality leaders have expressed their support for the ongoing talks, and

their hope that they would be invited to take part in the national reconciliation process at an appropriate time.

11. Mr. Razali stressed the need for the Government to deal seriously with the International Labour Organization (ILO) issue of forced labour. The Government assured him that it was prepared to grant free access to the high-level team from the International Labour Organization, which visited Myanmar for three weeks from 17 September to 6 October 2001. While the team's report on its mission is not yet available, initial reports from Yangon indicate that the team was indeed able to go to the areas that it had wanted to visit. The interim report (see A/56/312) prepared by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, Paulo Sergio Pinheiro, on the basis of his first visit to Myanmar from 3 to 5 April 2001, and a further report reflecting the results of his second visit, from 9 to 17 October 2001, should be noted.

III. Observations

12. The national reconciliation process in Myanmar is at a crossroads. Important positive developments have taken place since January 2001, and I am encouraged by the growing indications that a climate of understanding between the Government and Daw Aung San Suu Kyi and her NLD is taking root. I commend the Prime Minister and Chairman of the State Peace and Development Council, Senior General Than Shwe, and Daw Aung San Suu Kyi, for their decision to enter into a dialogue on national reconciliation and democratization in Myanmar. The process is, however, still at the confidence-building stage and the present positive climate must lead to more positive results in the process towards national reconciliation and democracy. Much more needs to be done to make the process irreversible. To that end, I urge the Government to continue releasing the remaining political detainees and to further restore freedom of activity for legitimate political parties at an early date. At the same time, I note with regret that Daw Aung San Suu Kyi remains at her house, and express the hope that the ongoing talks between the two sides will soon lead to the restoration of her rights to move freely around the country, as the leader of a lawful political party. I appeal to Senior General Than Shwe and other leaders of the Government and Daw Aung San Suu Kyi to continue to work closely together to ensure that a national reconciliation that is acceptable to all involved parties in Myanmar can be achieved at an early date. I also call upon the international community to continue to respond in equal measure to further progress in the national reconciliation process. The international community must play its role in various ways to encourage realization of the goals of national reconciliation and democracy. The United Nations remains committed to assisting the people of Myanmar to achieve progress and social viability in a democratic framework, since this is their inalienable right. I am particularly grateful for the consistent support that certain interested Member States, both inside and outside the region, have provided to my Special Envoy's mission of good offices over the past year. I stand ready to continue to do my utmost to assist the process of national reconciliation in Myanmar, especially with the assistance of those countries.